

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)	
)	
v.)	
)	Crim. No. 1:10-CR-01217-KMW
PETER GHAVAMI)	
GARY HEINZ)	
MICHAEL WELTY)	

**MEMORANDUM IN SUPPORT OF DEFENDANTS' CONSENT MOTION
FOR EXTENSION OF TIME WITHIN WHICH TO FILE POST-TRIAL MOTIONS**

Defendants Peter Ghavami, Gary Heinz, and Michael Welty ("Defendants"), through their respective counsel, respectfully submit this memorandum of law in support of their motion for an extension of time within which to file post-trial motions. Counsel for the government has reviewed this memorandum of law and the notice of motion. Counsel for defendants are authorized to state that the government consents to this motion. Counsel for defendants respectfully request a ruling before September 14, 2012 in light of the legal requirements relating to extensions of time for post-trial motions. See, e.g., *United States v. Canova*, 412 F.3d 331, 346 (2d Cir. 2005) (addressing requirements relating to motions to extend time under predecessor to current version of Rule 33).

The jury returned its verdicts in this case on August 31, 2012. Before the Court adjourned the proceedings, defense counsel requested an opportunity to confer and seek an extension of time for post-trial motions. Tr. 4866-67. Under the Federal Rules of Criminal Procedure, post-trial motions ordinarily must be filed within 14 days of a verdict. See, e.g., Fed. R. Crim. P. 29(c)(1) (motion for judgment of acquittal); Fed. R. Crim. P. 33(a)(2) (motion for new trial). The Court may extend the time for the filing of post-trial motions as long as the Court

sets the extension date for the filing of post-trial motions before the 14-day period expires. See *Canova*, 412 F.3d at 346.

This is a complex case involving numerous factual and legal issues. The legal issues that were raised in pretrial motions and that arose at trial are substantial. The documentary and audio exhibits are voluminous. The trial transcript is nearly 5,000 pages long. Counsel for defendants must examine the record and the legal issues to make appropriate judgments concerning any post-trial motions that may be filed and to prepare any such motions. Counsel for the government, in turn, must undertake a review of the extensive factual record and the legal issues to prepare oppositions to any motions that may be filed. In addition, counsel for defendants have obligations in unrelated matters that could not be addressed during the pendency of the trial in this case.

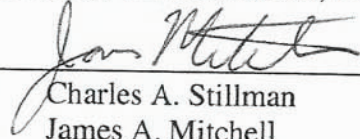
Counsel for the parties have conferred with respect to a proposed schedule for post-trial motions and briefing. Counsel have agreed on a proposed schedule that would require the filing of post-trial motions no later than October 24, 2012; oppositions no later than December 5, 2012; and replies no later than December 19, 2012.

CONCLUSION

For the reasons set forth above, defendants Peter Ghavami, Gary Heinz, and Michael Welty respectfully request that their motion for an extension of time within which to file post-trial motions be granted and that the Court enter an order setting forth a briefing schedule as proposed above.

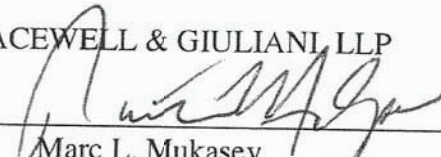
Respectfully submitted,

STILLMAN & FRIEDMAN, P.C.

By 
Charles A. Stillman
James A. Mitchell
Erik M. Zissu

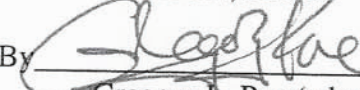
425 Park Avenue
New York, NY 10022
(212) 223-0200
Attorneys for Defendant Peter Ghavami

BRACEWELL & GIULIANI LLP

By 
Marc L. Mukasey
Jonathan N. Halpern
Philip J. Bezanson

1251 Avenue of the Americas
New York, NY 10020, 49th Floor
(212) 508-6100
Attorneys for Defendant Gary Heinz

POE & BURTON, PLLC

By 
Gregory L. Poe (admitted *pro hac vice*)
Preston Burton (admitted *pro hac vice*)
Rachel S. Li Wai Suen

The Executive Building
1030 15th Street, N.W., Suite 580 West
Washington, DC 20005
(202) 583-2500
Attorneys for Defendant Michael Welty